

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

JASPAL SINGH GILL,

Petitioner,

V.

DONALD R HOLBROOK,

Respondent.

Case No. C20-318 RSL-MLP

ORDER GRANTING
RESPONDENT'S MOTION FOR
EXTENSION OF TIME TO FILE
ANSWER

This is a federal habeas action proceeding under 28 U.S.C. § 2254. On March 24, 2020,

this Court issued an Order granting Petitioner's motion to stay and hold in abeyance his federal habeas petition pending exhaustion in the state courts of his claims for federal habeas relief.

(Dkt. # 7.) On March 19, 2021, the Court lifted the stay and directed Respondent to file an

answer by May 3, 2021. Respondent now seeks an extension of time to file an answer to

Petitioner's petition, arguing that to answer the petition he must obtain state court files. (Dkt. #

12; Samson Decl. (Dkt. # 13) at ¶ 3.) Respondent represents that he has received most, but not

all of the state court files necessary to respond to the petition. (Samson Decl. at ¶ 4.)

In particular, Respondent asserts that he has yet to receive the court file for the personal restraint petition filed under cause number 81172-0-I. (*Id.*) Respondent explains that the

ORDER GRANTING RESPONDENT'S MOTION
FOR EXTENSION OF TIME TO FILE ANSWER

1 Washington Court of Appeals denied Mr. Gill's personal restraint petition and that the
2 Washington Supreme Court subsequently denied review in February 2021. (*Id.* at ¶ 5.) However,
3 the Washington Court of Appeals has not yet issued the certificate of finality in cause number
4 81172-0-I. According to Respondent, the Washington Court of Appeals has not, and will not,
5 send the court file for the personal restraint petition filed under cause number 81172-0-I until the
6 court issues the certificate of finality. As Respondent has demonstrated that he does not currently
7 have all of the state court records necessary to file an answer to Petitioner's federal habeas
8 petition, and as Petitioner has not opposed the requested extension, the Court deems the
9 requested extension appropriate.

10 Accordingly, the Court GRANTS Respondent's motion for extension of time. (Dkt. #
11 12.) Respondent is directed to file and service his answer to Petitioner's federal habeas petition
12 not later than **June 7, 2021**. The Clerk is directed to send copies of this order to Petitioner, to
13 counsel for Respondent, and to the Honorable Robert S. Lasnik.

14 Dated this 26th day of April, 2021.

15 
16 MICHELLE L. PETERSON
17 United States Magistrate Judge
18
19
20
21
22
23